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MAY 30 2003

TC 1700

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May 16, 2003

Registered Mail

Commissioner of Patents
Group Director, Art Unit 1724
Organization TC1700, Bldg./Room CP3
United States Patent and Trademark Office
Washington, DC 20231

Subject: Patent Application #09/837,317 dated 4/19/2001
Petition to Reinstate to Active Status

Dear Sir or Madam,

This is in response to the "Notice of Abandonment" which was received from your office on April 28, 2003, following an earlier telephone call by examiner Robert A. Hopkins on April 21. At that time Mr. Hopkins advised me that claim 3 of subject application had been rejected, and stated the reasons for that rejection, having to do with inadequate prior recitation in the description and specifications. I concurred with Mr. Hopkins' findings and stipulated to abandoning claim 3 in its entirety, in view of the prospect that the remaining 15 claims were to be allowed. Mr. Hopkins also noted that no answer had been received on a previous transmittal concerning this matter, which he indicated could lead to abandonment of this application. Yet I know that I have provided timely detailed responses to all PTO communications, the last ones in August 2002, covering several amended claims, as well as changes in the specifications. Naturally, having invested my life savings and untold hours into this project, this would be devastating for me.

On April 28 I received the "Notice of Abandonment" (copy attached), which recites the substance of my telephone interview with examiner Hopkins. I do concur with Mr. Hopkins' statements in that summary, and wish to reiterate that the communication referred to as "final rejection dated 9-13-02" has indeed never been received. Since then I have been in telephone contact with Mr. Hopkins, as well as with the head docketing clerk Ms. Alva Catlett, who have been most courteous and helpful in resolving this matter, and have requested a copy of the above letter of rejection, to assure proper compliance with all requirements.

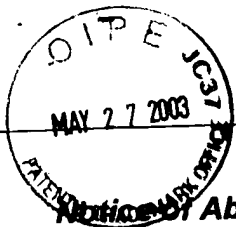
In view of the foregoing, and the apparently near-finished result of this effort, I hereby respectfully petition this office to reinstate this patent application to active status. Please advise what further steps are required on my part to see this to a successful conclusion.

Very truly yours,

W.G. (Don) Korff

WGN/nk

Encls.



COPY

REC'D, 4-28-03
mk-10

Application No.

09/837,317

Examiner

Robert A Hopkins

Applicant(s)

KORFF, W.G. DO

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

After a discussion with the head docket clerk, examiner was informed that because the application has passed the 6 month period for response, the time period for response cannot be restarted, even though examiner was informed by applicant that applicant did not receive the final rejection dated 9-13-02.

Robert A Hopkins
Primary Examiner
Art Unit: 1724

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

MAY 27 2003

Interview Summary

Application No.

09/837,317

Applicant(s)

KORFF, W.G. DON

Examiner

Robert A Hopkins

Art Unit

1724

All participants (applicant, applicant's representative, PTO personnel):

(1) Robert A Hopkins.

(3) _____

(2) W.G. Don Korff.

(4) _____

COPY

Date of Interview: 08 March 2003.

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Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

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Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

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If Yes, brief description: _____

Claim(s) discussed: none.

Identification of prior art discussed: none.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner called applicant to determine if a response had been filed to the final rejection dated 9-13-02. Applicant informed examiner that the final rejection had not been received. Examiner informed applicant that examiner would discuss situation with head docketing clerk. Applicant is not required to respond to the current interview summary.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required